

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NATIONAL CREDIT UNION
ADMINISTRATION BOARD, in its
Capacity as Liquidating Agent of
ENSIGN FEDERAL CREDIT UNION,

Plaintiff,

v.

MARK B. MOODY, *et al.*,

Defendants.

Case No. 2:11-cv-00769-LDG (RJJ)

ORDER

The National Credit Union Administration brought this action alleging that Mark Moody and David Osburn breached their commercial guaranties, and breached the covenant of good faith and fair dealing in connection with the guaranties. Default was entered against Moody on August 19, 2011, and on September 12, 2011, the plaintiff moved for default judgment (#17). On October 17, 2011, the Court granted Moody's *pro se* request for additional time to find legal counsel, granting Moody until October 20, 2011, to have counsel appear on his behalf. On October 27, 2011, H. Stan Johnson filed an appearance in this matter as counsel on Moody's behalf. On November 14, 2011, Moody filed an answer without first having the default set aside. The plaintiff moves to strike the

1 answer (#25) as it was filed while Moody was in default. Moody has not opposed either the
2 motion to strike or the motion for default judgment.

3 The Court will grant the plaintiff's unopposed motion to strike.

4 As counsel has appeared on behalf of Moody, the Court will deny without prejudice
5 the plaintiff's motion for default judgment. If Moody fails to move to vacate the default
6 within fourteen days from the date of this Order, the plaintiff may renew its motion for
7 default judgment in compliance with Fed. R. Civ. Pro. 55(b)(2).

8 Therefore, for good cause shown,

9 THE COURT **ORDERS** that the National Credit Union Administration Board's Motion
10 to Strike Answer (#25) is GRANTED; the Clerk of the Court shall promptly STRIKE the
11 answer (#24) of Mark B. Moody.

12 THE COURT FURTHER **ORDERS** that the National Credit Union Administration
13 Board's Motion for Default Judgment (#17) is DENIED without prejudice.

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15 DATED this 29 day of March, 2012.

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18 Lloyd D. George
United States District Judge
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